

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

EPLUS INC.,

Plaintiff,

v.

Civil Action No. 3:09cv620

LAWSON SOFTWARE, INC.,

Defendant.

ORDER

Having reviewed the briefs on the colorability issue and the infringement issue (Docket Nos. 1057, 1066, 1070 and 1059, 1067, 1071, respectively), and it appearing that the briefs filed by Lawson Software, Inc. ("Lawson") are devoted in large measure to an erroneous understanding of the instruction in TiVo Inc. v. Echostar Corp, 646 F.3d 869 (Fed. Cir. 2011) which erroneous understanding the Court previously has rejected as an improper, impermissible approach to the contempt analysis prescribed by TiVo, it is hereby ORDERED that, in the argument to be held on April 26, 2013, Lawson shall confine its oral presentation (and any related demonstrative aides) to addressing the issues of colorability and infringement as they have been presented in the briefs by ePlus Inc. and by the evidence actually presented at trial. In that regard, Lawson has fully preserved for appeal its arguments and positions as to the

approach to contempt proceedings as Lawson interprets TiVo. However, the Court does not intend to use the framework for which Lawson contends; and, therefore, the decisional process will not be aided by any oral presentation structured in accord with Lawson's interpretation of TiVo which the Court concludes to be an erroneous one.

The parties will be allotted one hour argue to argue each issue (colorability, infringement and remedy), thirty minutes per side per issue.

It is so ORDERED.

/s/ *REP*
Robert E. Payne
Senior United States District Judge

Richmond, Virginia
Date: April *24*, 2013